



HELEN F. DALTON & ASSOCIATES, P.C.
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August 2, 2023

Via ECF:

The Honorable Stewart D. Aaron, U.S.M.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl St.
New York, NY 10007

Re: **Santos v. 27 Pizza Cafe Corp., et al**
Civil Docket No.: 22-cv-01114 (JPC) (SDA)

Dear Judge Aaron:

We represent the Plaintiff in this FLSA action, and we respectfully submit this letter motion to respectfully request an extension of time for Plaintiff to file his supplemental declaration attaching an amended damages calculation in support of his motion for default judgment against Defendant 27 Pizza Café Corp. (“Defendant”).

On July 31, 2023, Your Honor directed, *inter alia*, that: “Plaintiff’s deadline to file a supplemental affidavit addressing damages is adjourned to August 2, 2023. Defendant’s deadline to oppose the motion for default judgment is adjourned to August 8, 2023, and Plaintiff’s deadline to reply is adjourned to August 15, 2023. The default judgment hearing, currently scheduled for August 22, 2023, at 11:30 a.m. via telephone will proceed as scheduled.” *See* Dkt. No. 56. Our office promptly served Defendants with Your Honor’s July 31, 2023 Order. *See* Dkt. No. 57.

The reason the instant request is being made and the reason for the delay in filing these submissions is that we have been unable to reach the Plaintiff to schedule a meeting and prepare the necessary affidavit and other required documents. We have made numerous attempts to contact the Plaintiff to come to our office regarding these supplemental submissions but we have not received any response and currently Plaintiff’s phone number is disconnected. We are working on alternative methods for trying to contact and locate him.


As such, we respectfully request a two-week extension to file the supplement submissions. If this request is granted, Plaintiff would file and serve his submissions by August 16, 2023. In turn, Defendant’s deadline to oppose same would be extended to August 23, 2023, and Plaintiff’s deadline to reply would be extended to August 30, 2023.

Lastly, we respectfully propose that the parties’ default judgment hearing, currently scheduled for August 22, 2023, at 11:30 a.m. via telephone, be adjourned as well until a date convenient for the Court in September 2023.

However, in the event that we are unable to reestablish contact with our client within the next two weeks, we anticipate requesting a brief stay of this matter to see if the Plaintiff can be located. Our office has dedicated a lot of work into this motion, the prior motion as well as settlement efforts through the mediation program and we would respectfully request an opportunity to try to locate the client before any further steps.

We thank The Court for its kind consideration on this matter, and we remain available to provide any additional information.

Respectfully submitted,


Avraham Y. Scher, Esq.

The request is granted. Plaintiff's deadline to file and serve his supplemental damages declaration is adjourned to August 16, 2023. Defendant 27 Pizza Cafe Corp.'s deadline to oppose the motion for default judgment is adjourned to August 23, 2023, and Plaintiff's deadline to reply is adjourned to August 30, 2023. The default judgment hearing, currently scheduled for August 22, 2023, is adjourned to September 12, 2023, at 2:00 p.m. via telephone. At the scheduled time, counsel for all parties should call 866-434-5269, access code 9176261. Plaintiff shall serve Defendant with a copy of this order at the addresses to which he directed service of his default judgment motion.

SO ORDERED.

August 3, 2023
New York, New York


JOHN P. CRONAN
United States District Judge